

Jennifer Wood
Mayor

J. Carlos Gomez
Mayor Pro Tem

Chuck McGuire
Council Member

Donald Parris
Council Member

Eugene Stump
Council Member



AGENDA

CITY OF CALIFORNIA CITY CITY COUNCIL

SPECIAL COUNCIL MEETING

**Tuesday, March 7, 2017
6:00 p.m.**

**Council Chambers
21000 Hacienda Blvd.
California City, Ca 93505**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (760) 373-7140. Notification of 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

NOTE: Any writings or documents provided to a majority of the City Council regarding any item on this agenda is available for public inspection in the City Clerk's office at City Hall located at 21000 Hacienda Blvd, California City, Ca during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable laws. These writings are also available for review in the public access binder in the Council Chambers at the time of the meeting.

LATE COMMUNICATIONS: Following the posting of the agenda any emails, writings or documents that the public would like to submit to the council must be received by the City Clerk no later than 3pm the Monday prior to the meeting. Past that deadline citizens may bring these items directly to the meeting. Please bring 10 copies for distribution to council, staff and the public.

Agenda
March 7, 2017

*****At this time, please take a moment to turn off your cell phones*****

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmembers McGuire, Parris, Stump, Mayor Pro Tem Gomez, Mayor Wood

ADOPT AGENDA

NEW BUSINESS

NB 1. Public Hearing - Revision of the City's Special Tax Measure A – City Manager Weil

Recommendation

Council discuss and agree upon a final tax rate and approve a **Resolution of the City Council of the City of California City, California, Calling a Special Municipal Election to be held on Tuesday, June 6, 2017 for the purpose of submitting a Special Parcel Tax Measure to the Voters of the City; requesting the assistance of the County of Kern in connection with that Election and consolidating that Election with any other Elections on that date.**

ADJOURNMENT

AFFIDAVIT OF POSTING: This agenda was posted on all official City bulletin boards, the City's website and agenda packets were completely accessible to the public at City Hall at least 24 hours prior to the Special Council Meeting.

Denise Hilliker, City Clerk

CITY COUNCIL

March 7, 2017

TO: Mayor and City Council

FROM: Tom Weil

SUBJECT: Revision of the City's Special Tax Measure A

BACKGROUND:

In 2007 and 2012, the City's voters adopted an annual parcel tax on all lots and parcels in the City. The tax is collected by the County on the annual property tax bill. The current rate of the tax is \$150.00 per year. This rate was approved at the 2012 renewal.

The tax currently generates billing of approximately \$7.5 million per year of which roughly \$6 million is actually collected during the fiscal year. This amounts to approximately 41% of the City's budget. Unless an extension of the tax is approved by the voters, the last year of the tax will be tax year 2017-18.

State law requires that parcel taxes be dedicated to a specific purpose. The City's parcel tax is currently earmarked for public safety (police and fire). Proceeds may only be used for that purpose.

Last week, the Council called a special election for June 6, 2017 for the purpose of presenting the proposed marijuana tax to the voters.

At the council's request the city attorney's office has prepared a resolution to put a renewal of the parcel tax on the June 6, 2017 ballot. The renewed tax would have a term of six years (through and including tax year 2023-24) and would continue the existing rate of \$150.00 per parcel. The tax would be earmarked for public safety (police, fire and code enforcement). Adoption of the tax at the election will require a two-thirds vote of the electorate.

RECOMMENDATION:

1. Council should discuss and agree upon the final tax rate to be submitted to voters as well as length of time for such a tax;
2. Approve Resolution placing the measure on the ballot, asking voters to approve an extension of the parcel tax.

FISCAL IMPACT: If the parcel tax extension is approved by the voters, the tax would potentially generate \$7.5 million. However, because of the history of delinquencies, it is anticipated that the tax would immediately generate approximately \$6 million per year for public safety purposes. Because this is an extension of the expiring tax, approval would basically maintain the City's existing revenues. If voters do not approve the tax (or if the tax is not placed on the ballot by the City Council), the City's revenues will decrease by approximately \$6 million per year starting at the end of tax year 2017-18 and continuing thereafter.

ENVIRONMENTAL ACTION: N/A

The Finance Director has reviewed the staff report and finds the recommendations to be within the budget constraints of the Department.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 6, 2017 FOR THE PURPOSE OF SUBMITTING A SPECIAL PARCEL TAX MEASURE TO THE VOTERS OF THE CITY; REQUESTING THE ASSISTANCE OF THE COUNTY OF KERN IN CONNECTION WITH THAT ELECTION AND CONSOLIDATING THAT ELECTION WITH ANY OTHER ELECTIONS HELD ON THAT DATE

WHEREAS, in 2007 the voters of the City of California City approved a special parcel tax on all property in the City; and

WHEREAS, in 2012, following the sunset of the special parcel tax approved in 2007, the voters again approved a special parcel tax; and

WHEREAS, the parcel tax approved in 2012 will sunset as of tax year 2017-18; and

WHEREAS, the City's general tax revenues remain insufficient to fully fund all City services unless some services are funded by a special tax; and

WHEREAS, a continuation of the special parcel tax for an additional six-year period [A1] will help the City to continue to provide essential public safety services; and

WHEREAS, the City Council desires to submit a special parcel tax measure to the voters of the City at a Special Municipal Election to be held on Tuesday, June 6, 2017 and to be consolidated with any countywide election to be held on that date; and

WHEREAS, the proposed tax (the "Special Parcel Tax") is more completely described in the ordinance attached hereto as Attachment "A" and incorporated herein by reference (the "Tax Ordinance"); and

WHEREAS, this resolution was adopted following a public hearing that was noticed as required by Section 54956 of the Government Code and applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Proposal. Pursuant to Section 50077 of the Government Code, the City Council hereby proposes the Special Parcel Tax.

Section 3. Election. The City Council hereby calls a Special Municipal Election for Tuesday, June 6, 2017 (the “Election”) and orders, pursuant to Section 9222 of the Elections Code, that the Tax Ordinance be submitted to the voters at that election.

Section 4. Ballot Question. The question submitted by Section 3 of this Resolutions shall appear on the ballot as follows:

In order to fund police, fire, and code enforcement services, shall the existing special parcel tax be extended for an additional six years (through tax year 2023-2024) [A2]at a rate not to exceed the existing rate of \$150 per lot or parcel, generating approximately \$7.5 Million in annual funding for public safety?	YES	
	NO	

Section 5. Approval. Pursuant to Section 4 of Article XIII A of the Constitution, this measure requires approval by a two-thirds vote of those casting ballots on the measure.

Section 6. Consolidation. Pursuant Section 10400 et seq. of the Elections Code, the Board of Supervisors of Kern County is requested to consolidate the Election with other elections held on the same day in the same territory or in the territory that is in part the same.

Section 7. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 8. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the County Clerk to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 9. Filing with County. The City Clerk shall file a certified copy of this Resolution with the County Clerk.

Section 10. Analysis and Argument. The City Attorney shall prepare an impartial analysis of the measure. The argument shall be included with other ballot materials. Any person may prepare an argument against the measure not exceeding 300 words in length. If more than one argument is submitted against the measure, the City Clerk shall select the argument against the measure to be included with the ballot materials. Rebuttal arguments shall be permitted.

APPROVED and ADOPTED this ____th day of February, 2017.

Jennifer Wood, Mayor

ATTEST:

Denise Hilliker, City Clerk

EXHIBIT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CALIFORNIA CITY,
CALIFORNIA ADDING DIVISION 5 (SPECIAL PARCEL
TAX) TO ARTICLE 1 OF CHAPTER 2 OF TITLE 3 OF THE
CALIFORNIA CITY MUNICIPAL CODE**

**THE PEOPLE OF THE CITY OF CALIFORNIA CITY DO ORDAIN AS
FOLLOWS:**

Section 1. Adoption of Special Parcel Tax. Division 5 is hereby added to Article 1 of Chapter 2 of Title 3 of the California City Municipal Code to read as follows:

DIVISION 5—Special Parcel Tax

Section 3-2.1.501. Short Title.

This Division may be referenced to as the California City Special Tax Ordinance of 2017.

Section 3-2.1.502. Tax Levied.

An annual special tax is hereby levied by the City on all lots and parcels within the boundaries of the City other than lots and parcels that (i) are exempt from this tax pursuant to the Constitution or laws of the United States or of the Constitution or laws of the State of California or (ii) are exempt from the ad valorem property tax or have an ad valorem property tax liability of zero.

Section 3-2.1.503. Maximum Rate.

The maximum rate of the tax shall be \$150 per lot or parcel.

Section 3-2.1.504. Annual Proceedings.

The City Council is authorized to determine for each tax year, by ordinance or resolution, the tax levied against each lot or parcel. The tax for a tax year shall be calculated based on a single flat rate per lot or parcel, which rate shall not exceed the maximum rate set forth in Section 3-2.1.503. The ordinance or resolution shall list each taxed lot or parcel by assessor's parcel number. The ordinance or resolution shall constitute the official record of the assessment of the special tax, and a copy thereof, together with any other pertinent data, shall be transmitted to the appropriate county officials to facilitate collection of the tax.

Section 3-2.1.505. Collection.

The tax shall be collected by the County of Kern in the same manner and subject to the same penalty and procedure as ad valorem property taxes collected by the county. Unpaid taxes shall bear interest at the same rate as the rate for unpaid ad valorem property taxes until paid. The county may deduct its reasonable costs incurred for the service before remittal of the balance to the city.

Section 3-2.1.506. Use of Funds.

Proceeds of the tax shall be used only for (1) police operations, training and supplies, personnel, equipment, law enforcement, dispatch, code enforcement, animal control, and facilities, (2) fire prevention and suppression operations, training and supplies, firefighter and paramedic personnel, equipment and facilities and (3) code enforcement services.

Section 3-2.1.507. Accountability.

The proceeds of the tax shall be deposited in a special account, to be created and maintained by the City. For so long as proceeds of the tax remain unexpended, the Finance Director of the City shall file an annual report with the City Council stating the amount of taxes collected, the amount expended, and the purpose of the expenditures. Such annual report shall relate to the Fiscal Year most recently ended, and may be incorporated into or filed with the annual budget, audit or other appropriate routine report to the City Council.

Section 3-2.1.508. Duration.

The levy of tax shall commence with tax year 2018-19. The final levy of the tax shall be for tax year 2023-24, [A3]unless the tax is extended by a vote of the people.

Section 3-2.1.509. Amendment.

The City Council may, by ordinance, amend, repeal, renumber or recodify any or all of the provisions of this Section; provided, however, that no ordinance extending the tax beyond the dates set forth in Section 3-2.1.508 or increasing the maximum rate of the tax shall be effective unless submitted to, and approved by, the voters of the City as required pursuant to the applicable law at the time of such action

Section 2. Prior Tax. Nothing in the Ordinance shall be construed to affect the City's existing authority to levy a parcel tax prior to tax year 2018-19.

Section 3. Severability. If, for any reason, any portion of this Ordinance is rendered or declared invalid or unenforceable by a court or an administrative body of competent jurisdiction or by reason of any preemptive legislation, the remaining portions of this Ordinance shall remain in full force and effect.

This Ordinance was approved and adopted by the People of the City of California City at the City's June 6, 2017 special municipal election.

Jennifer Wood, Mayor

ATTEST:

Denise Hilliker, City Clerk